

Chapter 7.35**GENERAL NOISE REGULATIONS****Sections:****7.35.010 General noise regulations.****7.35.020 Exemptions.****Section 7.35.010 General noise regulations.**

A. Notwithstanding the sound level meter standards described in this ordinance, it is nonetheless unlawful for any person to make, continue, or cause to be made or continued any disturbing, excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity. The factors which should be considered in determining whether a violation of this section exists, include the following:

1. The sound level of the objectionable noise.
2. The sound level of the ambient noise.
3. The proximity of the noise to residential sleeping facilities.
4. The zoning of the area.
5. The population density of the area.
6. The time of day or night.
7. The duration of the noise.
8. Whether the noise is recurrent, intermittent, or constant.
9. Whether the noise is produced by a commercial or noncommercial activity.
10. Whether the nature of the noise is usual or unusual.
11. Whether the noise is natural or unnatural.

B. It is unlawful for any person to make, continue, or cause to be made or continued any disturbing, excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity. The following acts, among others, are declared to be disturbing, excessive and offensive noises in violation of this section:

1. Radios, Television Sets, Musical Instruments and similar stationary or mobile devices: Operating, playing or permitting the operation or playing of any radio, television set, audio equipment, drum, musical instrument, or similar device which produces or reproduces sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents or persons of normal sensitivity. The operation of any such set, instrument, audio equipment, television set, machine or similar device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this section.

2. Loud Speakers (Amplified Sound): Using, or operating, or permitting to be used or operated, for any purpose, any loud speaker, loudspeaker system, or similar device between the hours of 10:00 p.m. and 7:00 a.m. such that the sound therefrom creates a noise disturbance across a residential property line, or at any time exceeds the maximum permitted noise level for the underlying land use category, except for any non-commercial public speaking, public assembly or other activity for which a variance has been issued.

3. Animals and Birds: Owning, possessing, or permitting to be harbored any animal or bird which frequently or for a continued duration howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential or commercial property line.

4. Loading and Unloading: Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects, or permitting these activities between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a

noise disturbance across a residential property line or at any time exceeds the maximum permitted noise level for the underlying land use category.

5. Construction: Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, grading or demolition work between the hours of 7:00 p.m. and 7:00 a.m. on week days and between 5 p.m. and 8 a.m. on Saturdays or at any time on Sunday or federal holidays such that the sound therefrom creates a noise disturbance across a residential or commercial property line or at any time exceeds the maximum permitted noise level for the underlying land use category, except for emergency work or by variance. This section does not apply to the use of domestic power tools.

6. Domestic Power Tools: Operating or permitting the operation of any mechanically powered saw, sander, drill grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a residential or commercial property line. Any motor, machinery, pump, compressor, generator etc., shall be sufficiently muffled and maintained so as not to create a noise disturbance.

7. Powered Model Vehicles: Operating or permitting the operation of powered model vehicles between the hours of 7:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a residential or commercial property line or at any time exceeds the maximum permitted noise level for the underlying land use category.

8. Stationary Non-emergency Signaling Devices: Sounding, or permitting the sounding of any signal from any stationary bell, chime, siren, whistle, or similar device intended primarily for non-emergency purposes, from any place, for more than 10 seconds in any hourly period. Houses of worship and the Mission Inn carillons shall be exempt from the operation of this provision. Sound sources covered by this provision and not exempted under this subsection may be exempted by a variance.

9. Emergency Signaling Devices: The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing. Testing of a stationary emergency signaling device shall not occur before 7 a.m. or after 7 p.m. Any such testing shall only use the minimum cycle test time. In no case shall the test time exceed 10 seconds or occur more than once each calendar month.

10. Vehicle, Motorcycle, Motorboat or Aircraft Repair and Testing: Repairing, rebuilding, modifying or testing any motor vehicle, motorboat or aircraft, or permitting any these activities, in such a manner as to create a noise disturbance across a residential property line, or at any time exceeds the maximum permitted noise level for the underlying land use category shall not be permitted except where said activities are directly related to officially sanctioned events. underlying land use category.

11. Permitting any noise disturbance that is:

- a. Plainly audible across property boundaries;
- b. Plainly audible through partitions common to two residences within a building;
- c. Plainly audible at a distance of 50 feet in any direction from the source of music or sound between the hours of 7:00 a.m. and 10:00 p.m.; or
- d. Plainly audible at a distance of 25 feet in any direction from the source of music or sound between the hours of 10:00 p.m. and 7:00 a.m. (Ord. 6959 §2, 2007; Ord. 6328 § 1, 1996; Ord. 6273 § 1 (part), 1996)

Section 7.35.020 Exemptions.

The following activities shall be exempt from the provisions of this title:

A. Emergency Work. The provisions of this Title shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work.

B. Entertainment Events. The provisions of this Title shall not apply to those reasonable sounds emanating from authorized school bands, school athletic and school entertainment events and occasional public and private outdoor or indoor gatherings, public dances, shows, bands, sporting and entertainment events conducted between the hours of seven a.m. and ten p.m.

C. Federal or State Preempted Activities. The provisions of this Chapter shall not apply to any other activity the noise level of which is regulated by state or federal law.

D. Minor Maintenance to Residential Property. The provisions of this Title shall not apply to noise sources associated with minor maintenance to property used for residential purposes, provided the activities take place between the hours of seven a.m. and ten p.m.

E. Right-Of-Way Construction. The provisions of this Title shall not apply to any work performed in the City right-of-ways when, in the opinion of the Public Works Director or his designee, such work will create traffic congestion and/or hazardous or unsafe conditions.

F. Public Health, Welfare and Safety Activities. The provisions of this Title shall not apply to construction maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, welfare and safety, including but not limited to, trash collection, street sweeping, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, sidewalks, etc. (Ord. 6917 § 1, 1996; Ord. 6328 § 2, 1996; Ord. 6273 § 1 (part), 1996)